

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

MY HEALTH, INC.,

v.

ALERE, INC.

Case No. 2:14-cv-652-JRG-RSP
LEAD CASE

MY HEALTH, INC.,

Plaintiff,

v.

LIFESCAN, INC.,

Defendant.

Case No. 2:14-cv-683-MHS-RSP
CONSOLIDATED CASE

DECLARATION OF EUGENE M. GELERNTER

1. I am a lawyer admitted to practice in the State of New York and am admitted *pro hac vice* in this action. I am a member of the firm of Patterson Belknap Webb & Tyler LLP, which represents defendant LifeScan, Inc. in this case. I am fully familiar with the facts and circumstances set forth below.

2. I submit this Declaration in support of LifeScan, Inc.'s motion to stay this action pending *inter partes* review if it is not dismissed.

3. Attached to this Declaration are copies of the following documents:

Exhibit A: Biotronik, Inc.'s and Sotera Wireless, Inc.'s Motion for Stay Pending Initial and Final Resolution of *Inter Partes* Review (and supporting declarations)

Exhibit B: My Health, Inc.'s Response to Defendants Biotronik's and Sotera's Motion to Stay Pending *Inter Partes* Review (and supporting declaration)

Exhibit C: Biotronik, Inc.'s and Sotera Wireless, Inc.'s Reply Brief in
Support of Their Joint Motion for Stay Pending Initial and Final
Resolution of *Inter Partes* Review (and supporting declaration)

I declare under penalty of perjury that the foregoing is true and correct.

Executed on December 30, 2014.

/s/ Eugene M. Gelernter
Eugene M. Gelernter